

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DENNIS EBORKA,

Plaintiff,

vs.

WAYNE STATE COLLEGE,

Defendant.

**8:24CV53**

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. Plaintiff faxed a pleading titled “Notice of Removal of Pending State Court Action” which the Court accepted for filing and docketed as a Complaint, [Filing No. 1](#), on February 12, 2024. However, Plaintiff failed to include the \$405.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$405.00 filing and administrative fees to the Clerk’s office or submitting a request to proceed in forma pauperis. Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

Plaintiff is further advised that, although the Court accepted his Complaint he submitted by facsimile, pursuant to the Court’s local rules “[a] document faxed or e-mailed to the clerk or assigned judge is not considered filed without a court order.” NECivR [5.1](#)(c). As such, **Plaintiff is hereby notified that the Court will not accept any future faxed documents he submits for filing in this case or otherwise.** All future filings Plaintiff makes into this case must be made via hand delivery, United States postal mail, or by registering for electronic case filing (“CM/ECF”) access. See NEGenR [1.3](#)(b).

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$405.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **March 15, 2024**: Check for MIFP or payment.
4. The Court notifies Plaintiff that if he wishes to file a document in this Court, such filing must be made via hand delivery, United States postal mail, or by registering for CM/ECF access. A document faxed or e-mailed to the Clerk or the undersigned will be returned to Plaintiff and will not be filed.

Dated this 14th day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge